IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 30TH OCTOBER 2007 / 8TH KARTHIKA 1929

Bail Appl..No. 6544 of 2007()

(CRIME NO.531/07 OF KASARAGODE POLICE STATION)

PETITIONER/ACCUSED:

SHAIK KAMIL, S/O. SHAIK KAMAL,
CHALAKUNNU, VIDIA NAGAR, KASARAGODE.

BY ADV. SRI.T.G.RAJENDRAN

RESPONDENTS: COMPLAINANT/STATE:

1. **THE SUB INSPECTOR OF POLICE,**
   KASARAGODE POLICE STATION.

2. **STATE,**
   REP. BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
   ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. S.U. NAZAR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 30/10/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

KSS

R.BASANT, J

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B.A.No. 6544 of 2007

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Dated this the 30th day of October, 2007

ORDER

Second application for regular bail. Earlier application was dismissed as per order dated 8.10.07 in B.A.No. 6067 of 2007. I have adverted the facts in detail in the earlier said order. Hence I am not adverting the facts in any greater detail. This order must be read in continuation of the said order. Allegations are raised under the provisions of the Kerala Abkari Act. The petitioner was allegedly found to transport 7000x100 ml(in packets) of arrack in a vehicle. He was arrested on 24.8.07 and continues in custody from that date.

2. The learned counsel for the petitioner prays and the learned Public Prosecutor does not oppose the said prayer, the investigation having not been completed and the final report having not been filed within a period of 60 days from the date of his first detention, the petitioner has an indefeasible right to approach the learned Magistrate under Section 167(2) Cr.P.C and seek regular bail there and in these circumstances, I am satisfied that the petitioner can now be enlarged on bail subject to appropriate conditions

3. In the result, this application is allowed. The petitioner shall be released on bail on the following terms and conditions.

i) The petitioner shall execute a bond for Rs.1,00,000/- (Rupees one lakh only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate;

ii) The petitioner shall make himself available for interrogation before the Investigating Officer between 10 a.m and 12 noon on all Mondays and Fridays for a period of two months from the date of his release and thereafter as and when directed by the Investigating Officer in writing to do so.

(R.BASANT, JUDGE)

sj

/TRUE COPY/

P.A.TO JUDGE